



General Assembly

January Session, 2021

***Raised Bill No. 1008***

LCO No. 3658



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:  
(INS)

***AN ACT CONCERNING HEALTH EQUITY, THE CORONAVIRUS  
PANDEMIC AND PULSE OXIMETERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2021*) (a) For the purposes of this  
2 section:

3 (1) "Health care provider" has the same meaning as provided in  
4 section 38a-477aa of the general statutes;

5 (2) "Health carrier" has the same meaning as provided in section 38a-  
6 1080 of the general statutes;

7 (3) "Pharmacist" has the same meaning as provided in section 38a-  
8 479aaa of the general statutes;

9 (4) "Pharmacy" has the same meaning as provided in section 38a-  
10 479aaa of the general statutes; and

11 (5) "Pharmacy benefits manager" has the same meaning as provided  
12 in section 38a-479aaa of the general statutes.

13 (b) The Insurance Commissioner, in consultation with the  
14 Commissioner of Public Health, shall adopt regulations, in accordance  
15 with the provisions of chapter 54 of the general statutes, to ensure that:

16 (1) Each health care provider, health carrier, pharmacist, pharmacy  
17 and pharmacy benefits manager doing business in this state is informed  
18 that a pulse oximeter is more likely to produce an inaccurate blood  
19 oxygen level reading for an insured who is an individual of color as  
20 opposed to an insured who is a white individual; and

21 (2) Each insured in this state:

22 (A) Who receives a covered pulse oximeter is informed that such  
23 pulse oximeter is more likely to produce an inaccurate blood oxygen  
24 level reading for such insured if such insured is an individual of color  
25 as opposed to an insured who is a white individual; and

26 (B) Is informed that if such insured receives an inaccurate blood  
27 oxygen level reading as measured by a pulse oximeter such insured may  
28 be deprived of medically necessary health care services due to such  
29 inaccurate reading.

30 Sec. 2. (NEW) (*Effective January 1, 2022*) No insurer, health care center,  
31 hospital service corporation, medical service corporation, fraternal  
32 benefit society or other entity delivering, issuing for delivery, renewing,  
33 amending or continuing an individual or group health insurance policy  
34 in this state on or after January 1, 2022, providing coverage of the type  
35 specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of  
36 the general statutes shall deny coverage for an otherwise covered  
37 benefit if such denial is exclusively based on an insured's blood oxygen  
38 level as measured by a pulse oximeter.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2021</i>	New section
Sec. 2	<i>January 1, 2022</i>	New section

**Statement of Purpose:**

To: (1) Require the Insurance Commissioner, in consultation with the Commissioner of Public Health, to adopt regulations to ensure that (A) each health care provider, health carrier, pharmacist, pharmacy and pharmacy benefits manager doing business in this state is informed that a pulse oximeter is more likely to produce an inaccurate blood oxygen level reading for an insured who is an individual of color as opposed to an insured who is a white individual, and (B) each insured in this state (i) who receives a covered pulse oximeter is informed that such pulse oximeter is more likely to produce an inaccurate blood oxygen level reading for such insured if such insured is an individual of color as opposed to an insured who is a white individual, and (ii) is informed that if such insured receives an inaccurate blood oxygen level reading as measured by a pulse oximeter such insured may be deprived of medically necessary health care services due to such inaccurate reading; and (2) provide that no insurer, health care center, hospital service corporation, medical service corporation, fraternal benefit society or other entity delivering, issuing, renewing, amending or continuing certain individual and group health insurance policies in this state may deny coverage for an otherwise covered benefit if such denial is exclusively based on an insured's blood oxygen level as measured by a pulse oximeter.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*